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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,747	05/31/2000	Harlan Sexton	50277-450	4124
7590	12/17/2003			EXAMINER NAHAR, QAMRUN
DITTHAVONG & CARLSON, P. C. 10507 BRADDOCK ROAD SUITE A fairfax, VA 22032			ART UNIT 2124	PAPER NUMBER 17
DATE MAILED: 12/17/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N	Applicant(s)
	09/583,747	SEXTON, HARLAN
	Examiner	Art Unit
	Qamrun Nahar	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Appeal Brief filed on 9/22/03.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action (Paper No. 12) is persuasive and, therefore, the finality of that action is withdrawn.
3. The rejection under 35 U.S.C. 112, second paragraph, to claim 6 is withdrawn in view of applicant's amendment.
4. Claims 6 and 22 have been amended.
5. Claims 1-22 are pending.
6. Claims 1-18 are rejected under 35 U.S.C. 102 (b) as being anticipated by Arsenault (U.S 5,408,650).
7. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault (U.S 5,408,650) in view of Elliott (U.S. 4,945,474).

Response to Amendment

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
9. Claims 1-18 are rejected under 35 U.S.C. 102 (b) as being anticipated by Arsenault (U.S 5,408,650).

Per Claim 1:

Arsenault discloses a method of analyzing a program (See col.2, li.61-66) comprising the steps of logging a plurality of stack traces and respective tags in a log file at respective points during execution of the program (column 6, lines 2-10 and lines 50-53; and see Fig. 2, item 26; There are more than one stack traces, only one is displayed at a time. The log file is displayed on the screen. Arsenault inherently teaches a log file because there is not a debugger without a log file, see column 3, lines 37-45); and recording within the log file one or more of the tags as one or more marked tags (see “creation count” at column 6, lines 41-49; “creation count” is interpreted as “marked tags”).

Per Claim 2:

Arsenault further discloses producing a report based on log file (col.2, li.64-66; col.5, li.67 to col.6, li.16; fig.2, ref. 28).

Per Claim 3:

Arsenault further discloses identifying one or more of the stack traces associated with any of the one or more marked tags; and producing said report based on the identified stack traces (col.3, li.11-22).

Per Claim 4:

Arsenault further discloses identifying the last stack trace associated with any of the one or more marked tags; and producing said report based on the identified stack traces (col.3,

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li.11-22; col.11, li.8-12). For a finite quantity of identified stack traces, the feature is inherent in Arsenault's system to enable specific reports to be generated for any of the identified stack traces (col.12, li.6-8).

Per Claim 5:

Arsenault further discloses a method wherein the tags indicate respective addresses of allocated objects (col.6, li.41-9); and the one or more marked tags indicate one or more respective addresses of migrated objects (col.6, li.50-67 to col.7, li.1-4; deallocation routine indicates migrated objects; that is, objects that have been deallocated are migrated objects).

Per Claim 6 (Amended):

Arsenault discloses a method for producing a diagnostic report for a program comprising accessing a log file comprising a list of stack traces and respective tags at associated points during execution of the program and comprising one or more marked tags (column 6, lines 2-5 and lines 30-45; Figure 2, item 26; "creation count" is interpreted as "marked tags"); and producing the diagnostic report based on the log file (column 7, lines 61-67 to column 8, lines 1-39; Figure 2, items 28 and 36).

Per Claim 7:

Arsenault further discloses identifying one or more of the stack traces associated with any of the one or more marked tags; and producing said report based on the identified stack traces (col.3, li.11-22).

Per Claim 8:

Arsenault further discloses identifying the last stack trace associated with any of the one or more marked tags; and producing said report based on the identified stack traces (col.3, li.11-22; col.11, li.8-12). For a finite quantity of identified stack traces, the feature is inherent in Arsenault's system to enable specific reports to be generated for any of the identified stack traces (col.12, li.6-8).

Per Claim 9:

Arsenault further discloses a method wherein the tags indicate respective addresses of allocated objects (col.6, li.41-9); and the one or more marked tags indicate one or more respective addresses of migrated objects (col.6, li.50-67 to col.7, li.1-4; deallocation routine indicates migrated objects; that is, objects that have been deallocated are migrated objects).

Per Claims 10-14:

These claims represent an apparatus performing a method corresponding to the methods of claims 1-5, respectively. The claims are rejected under the same arguments as cited above, with Column 3, Lines 23 to 36 referencing the apparatus (computer-readable medium bearing instructions for analyzing a program).

Per Claims 15-18:

These claims represent an apparatus performing a method corresponding to the methods of claims 6-9, respectively. The claims are rejected under the same arguments as cited above, with Column 3, Lines 23 to 36 referencing the apparatus (computer-readable medium bearing instructions for analyzing a program).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault (U.S 5,408,650) in view of Elliott (U.S. 4,945,474).

Per Claim 19:

The rejection of claim 4 is incorporated, and Arsenault further teaches producing the report (fig.2, ref.26; col.6, li.30-33). Arsenault does not explicitly teach processing the log file from the end backward until the beginning. Elliott teaches processing the log file from the end backward until the beginning (fig.5, ref.276; col.6, li.64-68 to col.7, li.1-5).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Arsenault to include processing the log file from the end backward until the beginning using the teaching of Elliott. The modification would be obvious because one of ordinary skill in the art would be motivated to

process the newest entry to a sequentially-generated log file first, as taught by Elliott (col. 6, li.64-68).

Per Claim 20:

This is another version of the claimed method discussed above, claim 19, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claims 21 and 22 (Amended):

These are computer-readable medium versions of the claimed method discussed above, claim 19, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Response to Arguments

12. Applicant's arguments filed 9/22/03 with respect to claims 1-22 have been fully considered but they are not persuasive.

In the remarks, the applicant argues that:

- a) A. CLAIMS 5, 9, 14, AND 18 ARE NOT ANTICIPATED BECAUSE ARSENAULT FAILS TO DISCLOSE "MIGRATED OBJECTS."

To anticipate a patent claim, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. Karsten Mfg. Corp. v. Cleveland Golf Co., 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); Scripps

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Clinic & Research Foundation v. Genentech, Inc., 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

The rejection of claims 5, 9, 14, and 18 over Arsenault is improper because the applied reference does not disclose the limitations of the claims. For example, claims 5, 9, 14, and 18 recite "the one or more marked tags indicate one or more respective addresses of **migrated objects**" (emphasis added). This element is not disclosed in Arsenault.

Arsenault is directed to a visual, interactive debugging system that analyzes memory events, such as the allocation and deallocation of memory locations that are associated with the execution of an application program (Abstract). Specifically, Arsenault provides a display for letting the user visually associate dynamically allocated memory locations with program subroutines in call stacks (cols. 2:64-3:3). Furthermore, each of the memory locations is assigned a segment type that relates to a program subroutine that calls for it (Abstract). Arsenault, however, does not disclose any "migrated objects," not to mention the "respective addresses of migrated objects" as required by claims 5, 9, 14, and 18. Furthermore, Arsenault has no details about objects within the memory segments, nor even whether the objects or memory segments are migrated.

The portions cited by the Examiner do not support the rejection. Arsenault, col. 6:30-40, merely states that the call stack listing includes information that allows a user to trace the memory allocation commands associated with a selected memory segment through various program routines, determine if the routines are appropriately allocating and releasing memory locations, and also determine if the routing is calling for properly sized memory blocks (col.

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6:3337). The cited section, however, contains no disclosure of "migrated objects" as recited in claims 5, 9, 14, and 18.

Moreover, claims 5, 9, 14, and 18 recite that the "the one or more marked tags indicate one or more respective addresses of migrated objects" (emphasis added). Unless the patent otherwise provides, a claim term cannot be given a different meaning in the various claims of the same patent. Georgia Pacific Corp. v. U.S. Gypsum Co., Nos. 97-1238,-1244 (Fed. Cir., Nov. 1, 1999); see also Southwall Tech., Inc. v. Cardinal IG Co., 54 F.3d 1570, 1579, 34 USPQ2d 1673, 1679 (Fed. Cir. 1995); Fonar Corp. v. Johnson & Johnson., 821 F.2d 627, 632, 3 USPQ2d 1109, 1113 (Fed. Cir. 1987). However, in the rejection of parent claim 1, the Examiner reads the "marked tag" on a creation count, an ordinal number (col. 6:42) which does not indicate an address at all, let alone an address of a migrated object. Column 4:24-27 of Arsenault, cited in the Office Action, merely states that a "user can request that the memory analysis system display additional information about selected memory locations, such as the addresses if individual memory locations" but has nothing to with the creation count, marked tags, or migrated objects.

Finally, the Advisory Action dated July 3, 2003, contends that "Arsenault teaches logging stack traces for the respective migration addresses of migrated objects ('memory events', col. 2, 11. 2 to col. 3,11. 22)." The Examiner's rebuttal misses its mark. "Memory events" is too vague a phrase to amount to a disclosure of migrated objects. Also, the additional limitations in claims 5, 9, 14, and 18 involve "marked tags" not "stack traces," which are recited in the parent claims, so the newly cited passage of one and half columns is not relevant to the recitations of claims 5, 9, 14, and 18.

Since Arsenault fails to disclose the limitation of "the one or more marked tags indicate one or more respective addresses of migrated objects," the rejection of claims 5, 9, 14, and 18 is improper and should be reversed.

Examiner's response:

a) Examiner strongly disagrees with applicant's assertion that Arsenault fails to disclose the claimed limitations recited in claims 5, 9, 14, and 18. Arsenault clearly shows each and every limitation in claims 5, 9, 14, and 18. Arsenault discloses that "the tags indicate respective addresses of allocated objects" (column 6, lines 41-49); and "the one or more marked tags indicate one or more respective addresses of migrated objects" (column 6, lines 50-67 to column 7, lines 1-4; deallocation routine indicates migrated objects; that is, objects that have been deallocated are migrated objects. "Memory events" is *not* too vague a phrase; Arsenault defines memory events as calls to memory allocation or deallocation routines, see column 3, lines 50-57). Furthermore, the previous Examiner has already pointed out in Paper No. 12 that "creation count" is interpreted as "marked tags". In addition, see the rejection above in paragraph 9 for rejection to claims 5, 9, 14, and 18.

In the remarks, the applicant argues that:

b) B. ARSENAULT FAILS TO ANTICIPATE CLAIMS 1-22 BECAUSE ARSENAULT DISCLOSES NEITHER "LOGGING A PLURALITY OF STACK TRACES ... IN A LOG FILE" NOR "ACCESSING A LOG FILE COMPRISING A LIST OF STACK TRACES."

Turning now to the rejection of all claims 1-22, Appellant respectfully requests reversal of this rejection because Arsenault does not disclose the limitations recited in independent claims 1, 6, 10, and 15. For example, independent claims 1 and 10 recite "logging a plurality of stack traces and respective tags in a log file," and independent claims 6 and 15 recite "accessing a log file comprising a list of stack traces and respective tags."

Arsenault does not disclose any "log file" at all and at best discloses a representation displayed to the user on the screen of a display device that includes "a listing 26 of the call-stack associated with a selected memory segment" (col. 6:2-4, note singular "call-stack"). Specifically, Arsenault discloses a graphic representation of a map of allocated memory segments depicted by segment type and various listings shown on a display device to a user (cols. 5:65-6:4), but not the "recording within the log file one or more of the tags as one or more marked tags" as presently recited in independent claims 1 and 10 and "accessing a log file comprising a list of stack traces and respective tags."

Although the Examiner (final Office Action p. 8) alleged that "the listing of call stacks associated with selected memory segments is indistinguishable from the log file as claimed," this is not sufficient to sustain the rejection, because a display of a singular call stack (FIG. 2, item 26, and col. 6:2-4: "a listing 26 of the call-stack associated with a selected memory segment") is not a "log file comprising a list of stack traces" (plural). The passage cited in the Advisory Action of July 3, 2003, merely states "corresponding call-stacks," with no disclosure that multiple call stacks are displayed at once. In fact, Arsenault implies that only one call stack is displayed at a time and previously displays are erased, since otherwise the Slow button 44 would not be provided to slow down the display (see, col. 9:63-68).

Furthermore, the Examiner's construction of a "log file" as Arsenault's display screen is incompatible with the rest of the language of the claims. For example, independent claims 1 and 10 state "recording within the log file." However, information is not recorded "within" a display screen, but "on" the screen. For example, Arsenault, col. 5:67-68, states: "The representation is displayed to a user on the screen of the display device 22 (FIG. 1)." As for independent claims 6 and 15, the elements of "accessing a log file" and "producing the diagnostic report based on the log file" do not make sense to one of ordinary skill in the art when the log file is a screen, particularly since display screens do not hold enough history ("log") when accessed to produce a diagnostic report.

The Examiner's recourse for his contorted understanding of "log file" ignores the well-settled law that the words of a claim must be read as they would be interpreted by those of ordinary skill in the art. *In re Baker Hughes Inc.*, 215 F.3d 1297, 55 USPQ2d 1149 (Fed. Cir. 2000); *In re Morris*, 127 F.3d 1048, 1054., 44 USPQ2d 10:23, 1027 (Fed. Cir. 1997); M.P.E.P. 2111.01. In particular, the PTO's broadest reasonable interpretation "must be consistent with the one that those skilled in the art would reach." *In re Cortrighx*, 165 F.3d 1353, 1369, 49 rJSPQ2d 1464, 1465 (Fed. Cir. 1999). A person of ordinary skill in the art would not accept the Examiner's construction of "log file" for the foregoing reasons and the Examiner has not cited any reference in support of his unusual position.

Examiner's response:

- b) Examiner strongly disagrees with applicant's assertion that Arsenault fails to disclose the claimed limitations recited in independent claims 1, 6, 10, and 15. Arsenault clearly shows each

and every limitation in independent claims 1, 6, 10, and 15. Arsenault discloses “logging a plurality of stack traces and respective tags in a log file at respective points during execution of the program” (column 6, lines 2-10 and lines 50-53; and see Fig. 2, item 26; There are more than one stack traces, only one is displayed at a time. The log file is displayed on the screen. The Examiner would like to point out that the log file is not interpreted as a “screen”. Arsenault inherently teaches a log file because there is not a debugger without a log file, see column 3, lines 37-45); and “recording within the log file one or more of the tags as one or more marked tags” (see “creation count” at column 6, lines 41-49; “creation count” is interpreted as “marked tags”) as recited in claims 1 and 10. In addition, Arsenault discloses “accessing a log file comprising a list of stack traces and respective tags at associated points during execution of the program and comprising one or more marked tags” (column 6, lines 2-5 and lines 30-45; Figure 2, item 26; “creation count” is interpreted as “marked tags”); and “producing the diagnostic report based on the log file” (column 7, lines 61-67 to column 8, lines 1-39; Figure 2, items 28 and 36) as recited in claims 6 and 15. Furthermore, see the rejection above in paragraph 9 for rejection to independent claims 1, 6, 10, and 15.

In the remarks, the applicant argues that:

- c) C. ARSENAULT DOES NOT SUGGEST PROCESSING THE LOG FILE BACKWARDS AS RECITED IN CLAIMS 19-22.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Deuel*, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 26

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USPQ2d 1529 (Fed. Cir. 1993); In re Oetikor, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. In re Warner, 154 USPQ 173 (CCPA 1967); In re Lunsford, 148 USPQ 721 (CCPA 1966); In re Freed, 165 USPQ 570 (CCPA 1970). The Examiner is required to show that all the claim limitations are taught or suggested by the references. In re Royka, 180 USPQ 580 (CCPA 1974); In re Wilson, 165 USPQ 494 (CCI'A 1970).

The obviousness rejection of claims 19-22, however, lacks a factual basis. No cited reference, including Arsenault, teaches or otherwise suggests "processing the log file from the end backward until the beginning" as recited in claims 19-22. In fact, the Examiner, on page 7 of the final Office Action, correctly acknowledges that Arsenault does not expressly teach processing the log file from the end to the beginning to produce a report, but fails to cite a single other reference in support of this claim limitation.

Moreover, the alleged motivation for the modification proffered by the Examiner is suspect. Obviousness rejections require some evidence in the prior art of a teaching, motivation, or suggestion to combine and modify the prior art references. See, e.g., McGinley v. Franklin Sports, Inc., 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001); Brown & Williamson Tobacco Corp. v. Philip Morris Inc., 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000); In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). The Patent Office must give specific reasons why one of ordinary skill in the art would have been motivated to combine the references. See, e.g., In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); In re Rouffet, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

Despite the deficiency of the Examiner's cited references in showing the recited "processing the log file from the end backward until the beginning," the Examiner contends that "one of ordinary skill in the art would have been motivated to process the newest entry to a sequentially-generated log file first to optimize memory usage and run-time efficiency, as taught by Arsenault (col. 6, li.37-40)." (final Office Action, p. 7, item 9) This reasoning is contrary to Arsenault's disclosure.

At best, Arsenault merely has a displayed call-stack, not the recited "log file," let alone the sequentially-generated log file that is fundamental of the Examiner's reasoning. In fact, had Arsenault disclosed a sequentially-generated log file, the contortions to read the recited "log file" on a display screen would have been wholly unnecessary. Furthermore, the passage cited by the Examiner merely mentions that "information allows a user to optimize the **program** in terms of memory usage and run-time efficiency, as they relate, to memory allocation" (col. 6:37-40). In other words, the Examiner's passage relates to using the Arsenault system to optimize the user's application program. Neither the passage nor the motivation seemingly derived from it relates to processing call-stack listings.

Examiner's response:

- c) The Examiner has provided a secondary reference showing obviousness for claims 19-22. See the rejection above in paragraph 11 for rejection to claims 19-22. Furthermore, the Examiner has already addressed the applicant's arguments regarding "log file" in the Examiner's Response (b) above.

In the remarks, the applicant argues that:

- d) D. THE INDEFINITENESS REJECTION OF CLAIMS 6 AND 22 IS MOOT IN LIGHT OF THE ENTRY OF THE AMENDMENT DATED JUNE 24, 2003.

The Advisory Action of July 3, 2003, indicated that the amendment of July 24, 2003, was entered. Accordingly, the rejection of claims 6 and 22 under 35 U.S.C. § 112, ¶ 2, is moot.

Examiner's response:

- d) Only claim 6 was rejected under 35 U.S.C. § 112, ¶ 2 and is moot in view of applicant's amendment. Claim 22 was *not* rejected under 35 U.S.C. § 112, ¶ 2, see previous final rejection, Paper no. 12. The Examiner is unclear as to why applicant asserts that claim 22 was rejected under 35 U.S.C. § 112, ¶ 2.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kakali Chaki

QN
December 15, 2003

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100